

EXHIBIT D

UNITED STATES OF AMERICA
IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:01-CR-238

vs.

UNITED MEMORIAL HOSPITAL,

Hon. RICHARD ALAN ENSLEN

Defendant.

_____/

GOVERNMENT'S MOTION TO DISMISS

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, The United States of America, through its attorneys, Margaret M. Chiara, United States Attorney for the Western District of Michigan, and Barbara Colby Tanase, Assistant United States Attorney, hereby moves to dismiss the charges in the Information, Indictment and three Superseding Indictments with prejudice against the Defendant for the reason that all terms and conditions specified in Paragraph 5 (A) of the Plea Agreement filed on January 8, 2003, have been met.

Respectfully submitted,

MARGARET M. CHIARA
United States Attorney

Dated: January 9, 2006

/s/ Barbara Colby Tanase
BARBARA COLBY TANASE
United States Attorney
315 W. Allegan, Room 252
Lansing, Michigan 48933
(517) 377-1577

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:01-CR-238

vs.

Hon. RICHARD ALAN ENSLEN

UNITED MEMORIAL HOSPITAL,

Defendant.
_____/

PROPOSED ORDER FOR DISMISSAL

The United States having filed a Motion to Dismiss pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of the court,

IT IS HEREBY ORDERED that the Information, Indictment and three Superseding Indictments against the Defendant are DISMISSED WITH PREJUDICE.

Dated: _____

RICHARD ALAN ENSLEN
United States District Court Judge
Western District of Michigan

UNITED STATES OF AMERICA
IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:01-CR-238

HON. RICHARD ALAN ENSLEN

UNITED MEMORIAL HOSPITAL, et al.,

Defendant.

_____ /

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 9, 2006, she caused to be mailed a copy of Government's MOTION TO DISMISS and PROPOSED ORDER FOR DISMISSAL to:

Devin Schindler
Warner, Norcross, & Judd, LLP
111 Lyon St., N.W., Suite 900
Grand Rapids, MI 49503

Respectfully Submitted,

MARGARET M. CHIARA
United States Attorney

/s/ Barbara Colby Tanase
BARBARA COLBY TANASE
United States Attorney's Office
315 West Allegan, Room 252
Lansing, MI 48933